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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/940,376 | 08/27/2001 | Masayuki Morishima | TAIYO48.001AUS | 4346 |
| 20995 | 7590 | 04/25/2005 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | | POND, ROBERT M |
| | | ART UNIT | | PAPER NUMBER |
| | | 3625 | | |

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 09/940,376 | MORISHIMA, MASAYUKI | |
| | Examiner | Art Unit | |
| | Robert M. Pond | 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 January 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-35 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Response to Amendment

The Applicant amended independent claims 1, 4, 7, 10, 13, 16, and 19, and newly added claim 22-35. All pending claims (1-35) were examined in this final office action necessitated by amendment.

Response to Arguments

Applicant's arguments filed 10 January 2005 have been fully considered but they are not persuasive. The Applicant amended all independent claims, newly added claims, and based arguments on the amended claims. Inherent in Wittenburg are the structures necessary to permit time intervals being longer or shorter than another time interval. The user may control the speed of the presentation of the images and other multimedia data by choosing among the arrow controls. The greater the distance the cursor is placed from the center of the control area, the greater the speed in a particular direction (see at least Fig. 6 (66); col. 8, lines 48-52).

Pertaining to Claim 21

The Applicant did not traverse the examiner's assertion of ordinary skill in the art. The statement is taken to be admitted prior art because applicant failed to traverse or adequately traverse the examiner's assertion of ordinary skill in the art (MPEP 2144.03(C)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-20 and 22-35 are rejected under 35 USC 102(e) as being anticipated by Wittenburg et al. (Paper 20040928, US 6,515,656 hereinafter referred to as “Wittenburg”).**

Wittenburg teaches all the limitations of Claims 1-20 and 22-35. For example, Wittenburg discloses a method and apparatus for viewing multimedia-based product images in accordance with user controls for the speed and direction of viewing (see at least abstract; col. 3, lines 8-45). Wittenburg discloses system hardware, software, and communications to transmit product category information used to classify products, a user placing selected products into a shopping cart, and placing orders through the shopping cart (see at least Fig. 1 (10); Fig. 2 (28); Fig. 3 (30); Fig. 4 (21-27); Fig. 5 (40, 46, 48, 50); Fig. 6 (70); col. 3, line 50 through col. 10, line 7). Wittenburg discloses speed controls that allow the presented images to be displayed at variable speeds to adjust the cycle in which images are presented to the user (see at least Fig. 14 (130, 134, 136); col. 14, line 56 through col. 16, line 4). Wittenburg further discloses:

- Transmitting a plurality of product images: client nodes having a client browser connected to sever node over a network; transmitting product images from the server node (see at least Fig. 1 (12, 14, 15, 19); Fig. 6 (60); col. 3, line 50 through col. 4, line 4).
 - i. Automatically repeats automatic deleting of a predetermined number of product images: product image viewing area shows product images being displayed two at a time; controls interval of automatic deleting of previous two images (see at least Fig. 7 (76); col. 10, lines 8-33); Automatic scrolling automatically deletes a product image from the viewing area (Fig. 8 (52, 202, 204); col. 10, lines 34-67).
 - ii. Displaying of new product images of a predetermined number equal to the number of deleted product images: product image viewing area shows product images being displayed two at a time to replace the previously deleted two images; controls interval of automatic displaying of an image to replaced deleted images (see at least Fig. 7 (76); col. 10, lines 8-33); Automatic scrolling automatically displays a new product image that replaces the deleted scrolled product image aligned in a predetermined direction (Fig. 8 (52, 202, 204); col. 10, lines 34-67).
 - iii. Predetermined time interval for each display of the product images is altered while displaying product images stored in memory:

Inherent in Wittenburg are the structures necessary to permit time intervals being longer or shorter than another time interval. The user may control the speed of the presentation of the images and other multimedia data by choosing among the arrow controls. The greater the distance the cursor is placed from the center of the control area, the greater the speed in a particular direction (please note: changing speed is the same as changing the time interval) (see at least Fig. 6 (66); col. 8, lines 48-52).

Pertaining to device and system Claims 1-3, 7-9, 13-15, 19, 20, 22, 23, 26-29, 32, and 33,

Rejection of Claims 1-3, 7-9, 13-15, 19, 20, 22, 23, 26-29, 32, and 33 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 21 is rejected under 35 USC 102(e) as being unpatentable over Wittenburg (Paper 20040928, US 6,515,656).

Wittenburg teaches all the above as noted under the 102(e) rejection and teaches the order system a) displaying scrolled multiple images, displaying stacked multiple images, displaying overlapped images, displaying fly-by images, and displaying two images at a time, b) automatically deleting and replacing a predetermined number of images, and c) displaying images of various sizes, but does not disclose the order system comprising a function for changing the predetermined number. It would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Wittenburg to disclose a function to change the predetermined number, sine one of ordinary skill in the art would ascertain a need to display and delete a predetermined number of images due to variations in image sizes in relation to viewer display viewing area.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert M. Pond
Primary Examiner
April 21, 2005